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OFFICE OF PETITIONS

DECISION ON PETITION

In re Application of
Terry A. Clark et al.
Application No. 10/063,900
Filed: May 22, 2002
Attorney Docket No.: EH-10660

This is a decision on the petition under 37 CFR 1.137(b),¹ filed January 13, 2005, to revive the above-identified application.

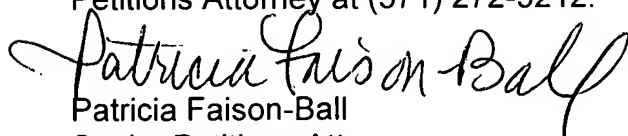
The petition is **GRANTED**.

This application became abandoned on January 6, 2005, for failure to pay the issue fee in response to the Notice of Allowance mailed October 5, 2004, which set a three (3) month period for reply. The instant petition and decision on petition precedes the mailing of the Notice of Abandonment.

The amendment filed pursuant to 37 CFR 1.312, in response to the Supplemental Notice of Allowability mailed December 22, 2004, is acknowledged.

The application is being referred to the Examiner for consideration of the amendment filed pursuant to 37 CFR 1.312.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.


Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).